

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS
WESTERN DIVISION

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U.S. DISTRICT COURT
DISTRICT OF MASS.

BPB, LLC and HOMEBASE)
PROPERTIES, LLC d/b/a "Munchies",)
Plaintiffs)
v.)
JOSEPH J. MILLER,)
Defendant)
v.)
RE/MAX INTEGRITY)
REALTORS, INC.,)
Third-Party Defendant)

Docket No. 04-30021-MAP

DEFENDANT'S MOTION TO COMPEL MEDIATION
AND TO STAY PROCEEDINGS PENDING MEDIATION

Now comes the defendant, Joseph J. Miller (hereinafter "Miller"), who hereby moves this Court, pursuant to L.R. D. Mass. 16.4(C)(1), to compel mediation of the pending dispute between Miller, the plaintiffs, Homebase Properties, LLC (hereinafter "Homebase") and BPB, LLC (hereinafter "BPB"), and the third-party defendant, RE/MAX Integrity Realtors, Inc. (hereinafter "RE/MAX"), and to stay these judicial proceedings pending such mediation on the grounds that the several parties are bound to mediate by a mediation clause in the contract that forms the subject matter of this action.

WHEREFORE, as more fully set forth in the Memorandum of Law attached hereto,

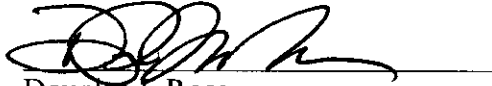
Miller requests that the parties be compelled to mediate the dispute underlying the above-captioned civil action and that this action be stayed pending the resolution of such mediation.

Dated: May 26, 2004

THE DEFENDANT

JOSEPH J. MILLER

By his attorney,

A handwritten signature in black ink, appearing to read 'D. Rose', is written over a horizontal line.

Douglas J. Rose

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